

**REMARKS**

Claims 4-16, 20, 29-30 and 31-69 are pending in the present Application. Claims 5 and 11 have been amended. Claims 31-69 have been newly added. Applicants have noted and carefully studied the Examiner's comments and the cited art. Applicants respectfully traverse the rejections and request reconsideration. Applicants believe that the present Application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Claims 4-16, 20, and 29-30

The Office Action has rejected claims 4-16, 20, and 29-30 under 35 U.S.C. 103(a) as being allegedly unpatentable over Jansen further in view of Rieken et al. and Ronen.

Jansen et al.

Applicants submit that Jansen et al. discloses a system for pay-per use for data-network-based public access services, (title). The system includes public kiosks used to provide network-driven tools such as e-mail and secure commerce transactions for on-line purposes, where such kiosks are located in public locations such as airport departure lounges, public thorough fares, shopping malls, banks, movie theatres, etc., and are otherwise designed such that individual kiosks accommodate multiple different users throughout its business day use, (col. 1, lns. 27-54).

Such system includes an apparatus for vending public media services where a public multimedia kiosk contains a phone and is in communication with a remote central server, (col. 3, lns. 15-33). The Kiosk contains other features including a card reader, printers, speakers, etc., (col. 3, lns. 38-54). The individual users are treated as the billing entity, rather than specific kiosks or a specific device location, (col. 1, lns. 64-67), where the credit card reader, for example, is used to identify a user or billing entity. Further, because an external identifier, i.e., a credit card, is used to identify a user rather than the kiosk itself, such system allows for a user to

be associated with two or more different kiosks or locations in any given same time period. In other words, the user can generate billing information simultaneously for each individual kiosk where the user's card has been used, where it is the user (or account number), rather than a particular kiosk or location, that is the billing entity. Therefore, billing is not based on location.

**Reiken et al.**

Applicants submit that Reiken et al. discloses a system for flexible rate charging for existing connections, (title). Once a connection between a user and a service provider has been established, the user can request a price for a potential specific new service, and the service provider then sends a quoted price, the user either accepts or rejects the price, if accepted, the quoted price is charged to the user for the service and the service is provided. (col. 2, lns. 23-36). A service control point (SCP) is used which contains permissible prices for a given service provider, and a network intercepts rate charging data sent by the service provider and sends such rates to the SCP, the SCP in turn checks the permissibility of the requested change before allowing such charge to be charged to the user, (col. 2, ln. 54 – col. 3, ln. 4). Therefore, a rate for a service is checked for its permissibility, but debit amounts are not compared at any location.

**Ronan**

Applicants submit that Ronan discloses a system for billing for transactions conducted over the internet from within an intranet, (title). The system uses a billing platform where when a user on an intranet attempts to conduct a transaction with a merchant on the Internet, the billing platform queries the session manager which translates the connection ID to a corresponding IP address within the Intranet, which in turn, is translated to the user's ID from which the user's account is accessed at the billing platform, the user account information is then transmitted to the merchant which then completes the transaction with the end user using a predetermined billing

mechanism previously established by the user and the billing platform – then a corresponding credit or debit card is then billed, (col. 2, lns. 41-67). Ronan does not disclose a copy of information being first loaded and then such copy being used, but rather discloses the loading of requested user related information from an ISP whenever its use is needed. Ronan also does not disclose the recording or charging for multiple uses of a copy that might be located at the user location.

#### Claims 4 and 29

##### Independent Claim 4

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia,

“... placing a first location in communication with a remote second location; transferring designated information having at least one associated cost from the second location to the first location, wherein the transfer occurs prior to payment of the at least one associated cost being made for the information; debiting the first location for the selected information after the selected information is transferred; recording associated costs at the first location; communicating recorded associated costs from the first location to a invoice location; communicating a debit charge from the second location to the invoicing location after the selected information is transferred; comparing the recorded debits from the first location with the debits charges from the second location; generating an invoice; and communicating the invoice to a party responsible for satisfaction of the invoice...,”

(claim 4)(emphasis added).

##### Jansen et al.'s Public Users ARE NOT Locations

Applicants direct the Examiner's attention to the definition of “location” as “a place or position,” (“location.” *Cambridge Online Dictionary*. 2004. <http://dictionary.cambridge.org> (26 Mar. 2004)). Applicants also note that the term “address,” as used within the realm of computers and computer communications, is defined as a “location of data, usually in main memory or on a

disk. ... [or a] name or token that identifies a network component. In local area networks (LANs), for example, every node has a unique address. On the Internet, every file has a unique address called a URL” (“address.” *Webopedia Online Dictionary*. 2004. <http://webopedia.com> (26 Mar. 2004)). Applicants submit, therefore, that “location” refers to a particular place or position of something in relation to its surroundings, for example, an address in a computer network that specifies the location of where a particular computer component, (i.e., a wireless handset), is positioned. Applicants note the Specification’s use of the term “location” in accordance with such definitions where, for example, it states that “software is loaded from a second location to [a] first location. ... the first location might be a mobile wireless unit, and the second location might be the home page of a software provider,” (Spec. pg. 11, lns. 15-18), and, where, in the Specification it is stated, for example, that “data may reside ... [in] storage units located either in the host communications system (100), the communications channels, the apparatus (300), or any other location accessible to the communication channels or the apparatus (300),” (Spec. pg. 14, lns. 21-24).

Applicants submit that Jansen et al. discloses locations that include, for example, kiosks, where such kiosk may be operated by any particular user at any particular time, and as such, Applicants submit that Jansen et al. discloses a billing system where it is the individual user that is tracked (i.e., via a credit card or PIN code) for charged for services, (i.e., internet access and email), rather than a particular device or location. As discussed in Jansen et al., tracking of charges and the associated payment may be made for a user’s services in a variety of ways, each being payment means tied to the specific user, and including, for example, a user’s credit card, a smart card, a personal identification number (PIN), a pre-paid value card or the user’s finger print, (col. 5, lns. 6-22). As such, Jansen et al. discloses a system wherein a group of people, (i.e., a group of sales people from the same corporation), can each sit down at separate but

adjacent kiosks at an airport, pass to one another the same corporate credit card, swipe the same card at each kiosk, such that each person operating their separate kiosk simultaneously results in each user having their requested services billed to the one credit card account.

**Charge Amounts Billed To a User Account IS NOT a Debit To a Location**

Applicants note the definition of “debit” is “to enter upon the debit side of an account: charge with a debit.” (“debit.” Webopedia Online Dictionary. 2004. <http://webopedia.com> (26 Mar. 2004)). Further, “account” is defined as “a record of debit and credit entries to cover transactions involving a particular item or a particular person or concern,” (“account.” Webopedia Online Dictionary. 2004. <http://webopedia.com> (26 Mar. 2004)). Applicants submit that the Applicants use of the term “debit” is in accordance with such definitions, as, for example, where the Specification states: “an invoice is constructed ... reflecting the debits incurred by the first location,” (Spec., pg. 13, lns. 8-10), and “the first location might be a mobile wireless unit,” (Spec. pg. 14, lns. 21-24), and where “a wireless mobile unit is any wireless communication device used to communicate in a wireless communication system, (Spec., pg. 1, lns. 26-27).

In contrast, Jansen et al. discloses simply the accumulation of charges associated with a user based on a particular type of user identification indicator such as a credit card, debit card, prepaid card, PIN, or the like, (col. 5, lns. 6-22), and where such user’s corresponding remote account is charged, (col. 12, lns. 64-65), rather than the “debiting the first location,” (Claim 4). Applicants submit that Jansen et al. discloses the accumulating of charges based on user activity where the accumulated activity charges are transmitted to a location where the user account resides. Again, Applicants would like to emphasize that the kiosks, at which users incur charges, are not billing entities or user identifiers themselves, but rather simply host separate users at

separate times where such users are required to provide their user payment account identification that will be subsequently charged for the usage incurred by such user.

**A Rate Verification IS NOT a Comparison Of Debit Amounts**

Applicants acknowledge the Office Action's statement that Jansen et al. does not disclose comparing recorded debits from a first location with the debits from the second location.

Further, Applicants respectfully submit that neither Jansen et al., nor Rieken et al., whether considered alone or in combination, disclose, teach or suggest Applicants' claimed subject matter. First Applicants direct the Examiner's attention to the definition of "rate" as "a quantity, amount, or degree of something measured per unit of something else," ("rate." *Merriam-Webster Online Dictionary*. 2004. <http://m-w.com> (13 Apr. 2004)). Applicants further note the differences between the definitions of "rate" and "debit" as listed above.

Rieken et al. discloses a network that uses a verification system (i.e., an SCP), to determine whether a requested charge rate is permissible, and when the rates are available. As such, such rate verification occurs before the rate is applied to the user's use of the service, and such rate must be multiplied by the units associated with the rate before the associated charge is available for billing. Applicants submit that because such charge rate amount is only a rate (a unit measurement), and is not any type of final charge (a unit measurement times number of units), Applicants submit that such charge rate amount cannot be a debit amount as described, but rather is, at best, a charge rate which can be used to generate a charge amount, that in turn, can be applied to a debit/credit account as a billed amount.

As such, Applicants submit that, in accordance with the definitions of "debits" and "accounts" noted above, and when considering disclosed in Rieken et al. including a charge rate verification system is used to verify a requested rate before allowing such charge rate to be used, and that generally disclosed in Jansen et al., that neither Rieken et al. nor Jansen et al., whether

considered alone or in combination, disclose teach or suggest, at least, Applicants' "comparing the recorded debits from the first location with the debits charges from the second location."

**Obviousness Requirements Not Met**

Applicants note that in order for prior art references to be combined by obviousness, at a minimum, there must be a suggestion of desirability for the modification. Applicants submit that neither Jansen et al., Rieken et al. nor Ronen suggest a desirability for modification, explicit or otherwise. In addition, there must be a teaching or suggestion to make the combination and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. Further, the level of skill in the art cannot be relied upon to provide the suggestion to combine references. Additionally, since none of the cited references disclose, teach or suggest "... debiting the first location ...," or " ... comparing the recorded debits from the first location with the debits charges from the second location ...," the combination of any of the cited references cannot produce the Applicants' invention as claimed.

Further, Applicants respectfully submit that the Office Action uses improper hindsight reasoning by suggesting it would have been obvious to modify Jansen et al., Rieken et al., and/or Ronen to achieve Applicants' claim 4 subject matter, where the Office Action, using impermissible hindsight, bases such arguments only upon the teaching or suggestion within Applicants' own disclosure. Applicants submit that there must be some suggestion or motivation, either in the reference itself, or in the knowledge of generally available to one of ordinary skill in the art, to modify the reference as described. Further, to the extent that the Office Action relies on a position that modifications of Jansen et al., Rieken et al., and/or Ronen to meet the claimed invention would have been well within the ordinary skill of the art at the time Applicants' invention was made, because the references, and/or the knowledge of one skilled in the art, were individually known to those of skilled in the art, is not sufficient to

establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. Applicants submit that if one of ordinary skill in the art at the time of Applicants' invention were to read Jansen et al., Rieken et al., and/or Ronen such a person would not be in possession of Applicants' claimed subject matter.

Independent Claim 29

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia,

“... means for placing a first location in communication with a remote second location; means for loading a copy of designated information to the first location from the second location; means for using the copy of the designated information at the first location; and means for charging a debit to the first location each time the copy is used ... ,”

(claim 29)(emphasis added).

Applicants refer the Examiner to the arguments above regarding claim 1 that specifically address the lack of any disclosure, teachings or suggestions in the cited references, whether considered alone or in combination, of at least Applicants “... charging a debit to the first location...” More specifically, Applicants re-emphasize Applicants' arguments that Jansen et al. is directed to applying charges to a user rather than to a location and therefore is absent any disclosure, teaching or suggestion regarding the charging of a debit to any particular location. In addition, Applicants note Jansen et al.'s charge calculation based on time usage, (col. 2, lns. 35-42; col. 9, lns. 52-67; col. 10, lns. 34-59; col. 11, lns. 13-40; col. 12, lns. 65-67), and not based on how many times a service was used. Further, for at least for such reasons, Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter.

Applicants note that in order for prior art references to be combined by obviousness, at a minimum, there must be a suggestion of desirability for the modification. Applicants submit that



neither Jansen et al., Rieken et al. nor Ronen suggest a desirability for modification, explicit or otherwise. In addition, there must be a teaching or suggestion to make the combination and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. Further, the level of skill in the art cannot be relied upon to provide the suggestion to combine references. Additionally, since none of the cited references disclose, teach or suggest "... charging a debit to the first location each time the copy is used ...," the combination of any of the cited references cannot produce the Applicants' invention as claimed.

Further, Applicants respectfully submit that the Office Action uses improper hindsight reasoning by suggesting it would have been obvious to modify Jansen et al., Rieken et al., and/or Ronen to achieve Applicants' claim 29 subject matter, where the Office Action, using impermissible hindsight, bases such arguments only upon the teaching or suggestion within Applicants' own disclosure. Applicants submit that there must be some suggestion or motivation, either in the reference itself, or in the knowledge of generally available to one of ordinary skill in the art, to modify the reference as described. Further, to the extent that the Office Action relies on a position that modifications of Jansen et al., Rieken et al., and/or Ronen to meet the claimed invention would have been well within the ordinary skill of the art at the time Applicants' invention was made, because the references, and/or the knowledge of one skilled in the art, were individually known to those of skilled in the art, is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. Applicants submit that if one of ordinary skill in the art at the time of Applicants' invention were to read Jansen et al., Rieken et al., and/or Ronen such a person would not be in possession of Applicants' claimed subject matter.

Claim 8Independent Claim 8

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia,

“... communication network, comprising: placing a first location in communication with a remote second location; loading a copy of designated information to the first location from the second location; using the copy of the designated information at the first location; and charging a debit to the first location each instance the copy is used, independently of the amount of time used ...,”

(claim 8).

Ronan discusses its system operation in relation to the information listed in its Table 2 where it is disclosed that the a transaction record represents the recorded data associated with a single transaction with a remote ISP where the ISP sends a message back to the transaction server indicating the cost of the transaction and where the transaction server database then holds each transaction conducted between the user with the ISP. As such, Ronan discloses the recording of information associated with each access occurring between the user and an ISP, but does not disclose a copy of information being loaded and using such copy more than once without re-initiating contact with the ISP, nor does Ronan disclose the recording or charging for multiple uses of a copy that might be located at the user location. Therefore, the transaction record in Table 2 reflects access to an ISP, but does not reflect data associated with the use of a copy of information that had been previously loaded from an ISP or elsewhere. At least for such reasons Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including: “loading a copy of designated information to the first location from the second location; using the copy of the designated information at the first location; and charging a debit to the first location each instance the copy is used,” (claim 8).

Claims 14 and 20

Independent Claim 14

First, Applicants acknowledge the Office Action's statement that Jansen et al. does not disclose charging a debit to the first location each instance the copy is used at the first location, independently of the amount of time used. Next, Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia,

“... communication network, comprising: placing a first location in communication with a second location, wherein the placing of the first location in communication with the second location has at least one associated cost; loading a copy of designated information to the first location from the second location, wherein the loading of the copy from the second location to the first location has another at least one associated cost; using the loaded copy of the designated information; charging a debit to the first location each instance the copy is used at the first location, independently of the amount of time used; storing all associated costs at the first location; communicating all associated costs from the first location to an invoicing location; generating an invoice; and communicating the invoice to a party responsible for satisfaction of the invoice ... ,”

(claim 14). In support, Applicants direct the Examiner's attention to the arguments above regarding the allowability of claim 8, and submit for the same or similar reasons, that Applicants' claim 14 is allowable as written. More specifically, Applicants submit that none of the references disclose, teach or suggest a charging a debit to the first location each instance the copy is used at the first location, independently of the amount of time used.

Independent Claim 20

First, Applicants acknowledge the Office Action's statement that Jansen et al. does not disclose charging a debit to the first location each instance the copy is used at the first location, independently of the amount of time used. Next, Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia,

“... a digital signal processing unit accessible to a communications system: a storage unit containing data communicatively coupled to the processing unit for establishing predetermined operational characteristics of the apparatus by: placing a first location in communication with a remote second location; transferring designated information having at least one associated cost from the second location to the first location, wherein the transfer occurs prior to payment of the at least one associated cost being made for the information; and debiting the first location for the selected information after the selected information is transferred, wherein establishing the predetermined operational characteristics comprises recording associated costs at the first location, communicating recorded associated costs from the first location to an invoicing location, communicating a debit from the second location to the invoicing location after the selected information is transferred, comparing the recorded debits from the first location with the recorded debits from the second location, generating an invoice, and communicating the invoice to a party responsible for satisfaction of the invoice...”

(claim 20). In support, Applicants direct the Examiner’s attention to the arguments above regarding the allowability of claim 4, and submit for the same or similar reasons, that Applicants’ claim 14 is allowable as written. More specifically, Applicants submit that none of the references disclose, teach or suggest debiting a first location, communicating a debit from a second location, or comparing the recorded debits from the first location with the recorded debits from the second location.

### Claim 30

#### Independent Claim 30

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants’ claimed subject matter including, inter alia,

“... placing a first location in communication with a remote second location; loading a copy of designated information to the first location from the second location; using the copy of the designated information at the first location; and charging a debit to the first location each time the copy is used...”

(claim 30). In support, Applicants direct the Examiner’s attention to the arguments above regarding the allowability of claim 8, and submit for the same or similar reasons, that Applicants’ claim 30 is allowable as written. More specifically, Applicants submit that none of the

references disclose, teach or suggest using the copy of the designated information at the first location; and charging a debit to the first location each time the copy is used.

Claim 5

Dependent Claim 5

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia, "... method in accordance with claim 4, wherein at least the first location is a wireless mobile communication device...," (claim 5)(emphasis added). More specifically, Applicants direct the Examiner's attention to Applicants Specification which states:

"the smaller size of wireless mobile units as compared to personal computers renders [the process wherein a customer submits a credit card number to the supplier prior to downloading the software] arduous and almost impossible. Entering your name, address, the 16-digit card number, the expiration date of the card, as well as any other information required is not convenient using the keypad of a wireless mobile unit."

(Spec. pg. 2, lns. 5-15). Applicants note the distinct difference between one system in which a user is required to enter customer identification data into a wireless mobile device and another system which does not.

Further, Applicants submit that because claim 5 (dependent claim) depends from claim 4 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Claim 6Dependent Claim 6

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia, "... method in accordance with claim 5, wherein the communication between the first location and the second location is routed via the Internet ... ," (claim 6). Applicants submit that because claim 6 (dependent claim) depends from claim 5 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Claim 7Dependent Claim 7

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia, "... method in accordance with claim 6, wherein the at least one associated cost comprises an information access debit and an each-use debit ... ," (claim 7). Applicants submit that because claim 7 (dependent claim) depends from claim 6 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Claim 9Dependent Claim 9

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia, "... storing the charges for each

debit at the first location; and transferring the charges to an invoicing location from the first location ... ,” (claim 9). Applicants also submit that because claim 9 (dependent claim) depends from claim 8 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claim 10

##### Dependent Claim 10

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants’ claimed subject matter including, inter alia, “... charging a first debit to the first location for the copy of the designated information after the designated information has been downloaded ... ,” (claim 10). Applicants submit that because claim 10 (dependent claim) depends from claim 9 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claim 11

##### Dependent Claim 11

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants’ claimed subject matter including, inter alia, “... method in accordance with claim 10, wherein at least the first location is a wireless mobile communication device ... ,” (claim 11). Applicants direct the Examiner Applicants’ arguments above regarding claim 5 which emphasize the impact the differences between the use and operation of personal computers

and the use of wireless mobile devices and the negative impact of having to enter personal identification information on such wireless mobile devices.

Applicants further submit that because claim 11 (dependent claim) depends from claim 10 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claim 12

##### Dependent Claim 12

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia, "... method in accordance with claim 11, wherein the second location is accessed via the Internet... ," (claim 12). Applicants submit that because claim 12 (dependent claim) depends from claim 11 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claim 13

##### Dependent Claim 13

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia, "... method in accordance with claim 12, wherein the selected information is an application program ... ," (claim 13). Applicants submit that because claim 13 (dependent claim) depends from claim 12 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the



reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claim 15

##### Dependent Claim 15

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia, "... method in accordance with claim 14, wherein the another at least one associated cost is zero, wherein using the copy of the designated information has an each-use associated cost, and wherein the each-use associated cost is incurred each time the designated information is used ... ," (claim 15). Applicants submit that because claim 15 (dependent claim) depends from claim 14 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claim 16

##### Dependent Claim 16

Applicants submit that neither Jansen et al., Rieken et al., nor Ronen disclose, teach or suggest Applicants' claimed subject matter including, inter alia, "... method in accordance with claim 15, wherein the copy of the designated information is used at the first location ... ," (claim 16). Applicants submit that because claim 16 (dependent claim) depends from claim 15 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent

claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### New Claims 31-69

Applicants present new claims 31-69 and accordingly, request a new prior art search.

Applicants submit that the new language in the new claims does not include new matter.

#### Claims 31-45

Independent claim 31 is a new claim and recites, among other features,

... a wireless network; a wireless mobile device connected to the wireless network and configured to receive software over the wireless network; a resource center connected to the wireless network and configured to provide the software to the wireless mobile device over the wireless network; and a billing server connected to the wireless network and configured to receive a debit corresponding to execution of the software on the wireless mobile device wherein the billing server is configured to generate an invoice for the wireless mobile device;

Applicants respectfully reassert the arguments made above regarding Jansen et al., Rieken et al and Ronen and further submit that, none of the references, either implicitly or explicitly, or whether considered alone, or in combination with any one or more of the other references, disclose, teach or suggest, claim 31's language. Specifically, Applicants direct the Examiner's attention to the arguments made with regard to claims 4 and 29 under section "*Jansen et al.'s Public Users ARE NOT Locations*" including the arguments that emphasize the difference between a device or location and a user. Applicants re-emphasize that Jansen's disclosed billing to a user credit card, where such user could be tracked and billed as such user used multiple devices, is unlike Applicants' claimed subject matter where the invoice that is generated is for a wireless mobile device. In addition, Applicants direct the Examiner's attention to Applicants' arguments above with respect to claim 5 where Applicants discuss differences between user billing and device billing.

Further, Applicants submit that to the extent that claims 32-45 depend from allowable claim 31, that such claims are allowable for at least the reasons that claim 31 is allowable. Applicants further submit that the dependent claims 32-45 are also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in claim 31.

#### Claims 46-50

Independent claim 46 is a new claim and recites, among other features,

A wireless mobile device capable of downloading and executing software comprising: an application program interface to interact with downloaded application software; a processor for executing the downloaded application software; and memory for storing the downloaded application software; wherein the application program interface is operable to store a debit in the memory in response to the detection of interaction between the wireless mobile device and the downloaded application software; wherein the debit is used to generate an invoice for the wireless mobile device; and wherein the debit includes data identifying a contributing party and a software fee associated with the interaction;

Applicants respectfully reassert the arguments made above regarding Jansen et al., Rieken et al and Ronen and further submit that, none of the references, either implicitly or explicitly, or whether considered alone, or in combination with any one or more of the other references, disclose, teach or suggest, claim 46's language. Specifically, Applicants direct the Examiner's attention to the arguments made with regard to claims 4 and 29 under section "*Jansen et al.'s Public Users ARE NOT Locations*" including the arguments that emphasize the difference between a device or location and a user. Applicants again re-emphasize that Jansen's disclosed billing to a user credit card, where such user could be tracked and billed as such user used multiple devices, is unlike Applicants' claimed subject matter where the invoice that is generated is for a wireless mobile device. Further, Applicants direct the Examiner's attention to

Applicants' arguments above with respect to claim 5 where Applicants discuss differences between user billing and device billing.

Further, Applicants submit that to the extent that claims 47-50 depend from allowable claim 46, that such claims are allowable for at least the reasons that claim 46 is allowable. Applicants further submit that the dependent claims 47-50 are also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in claim 46.

#### Claims 51-53

Independent claim 51 is a new claim and recites, among other features,

A billing server comprising: memory for storing billing server code; and a processor for executing the billing server code; wherein the billing server code is operable to receive a debit generated from interaction between a wireless mobile device and software on a wireless mobile device, the software having been received at the wireless mobile device over wireless network, wherein the debit includes information capable of identifying a software contributing party and a debit amount; wherein the billing server code is operable to generate an invoice for with the wireless mobile device based on the debit information; and wherein the billing server code is operable to generate a payment for the contributing party based on the debit information;

Applicants respectfully reassert the arguments made above regarding Jansen et al., Rieken et al and Ronen and further submit that, none of the references, either implicitly or explicitly, or whether considered alone, or in combination with any one or more of the other references, disclose, teach or suggest, claim 51's language. Specifically, Applicants direct the Examiner's attention to the arguments made with regard to claims 4 and 29 under section "*Jansen et al.'s Public Users ARE NOT Locations*" including the arguments that emphasize the difference between a device or location and a user. Applicants re-emphasize that Jansen's disclosed billing to a user credit card, where such user could be tracked and billed as such user used multiple devices, is unlike Applicants' claimed subject matter where the invoice that is generated is for a

wireless mobile device. Further, Applicants direct the Examiner's attention to Applicants' arguments above with respect to claim 5 where Applicants discuss differences between user billing and device billing.

Further, Applicants submit that to the extent that claims 52-53 depend from allowable claim 51, that such claims are allowable for at least the reasons that claim 51 is allowable. Applicants further submit that the dependent claims 52-53 are also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in claim 51.

#### Claims 54-56

Independent claim 54 is a new claim and recites, among other features,

A software supplier server comprising: a resource center containing software application programs; memory containing software supplier server code; and a processor for executing the software supplier server code; wherein the software supplier server code is operable to generate a debit based on the interaction between a wireless mobile device and the resource center; wherein the debit is used to generate an invoice for the wireless mobile device; wherein the debit includes information including a debit amount; and wherein the software supplier server code is operable to send the debit to a billing server;

Applicants respectfully reassert the arguments made above regarding Jansen et al., Rieken et al and Ronen and further submit that, none of the references, either implicitly or explicitly, or whether considered alone, or in combination with any one or more of the other references, disclose, teach or suggest, claim 54's language. Specifically, Applicants direct the Examiner's attention to the arguments made with regard to claims 4 and 29 under section "*Jansen et al.'s Public Users ARE NOT Locations*" including the arguments that emphasize the difference between a device or location and a user. Applicants re-emphasize that Jansen's disclosed billing to a user credit card, where such user could be tracked and billed as such user used multiple devices, is unlike Applicants' claimed subject matter where the invoice that is generated is for a

wireless mobile device. Further, Applicants direct the Examiner's attention to Applicants' arguments above with respect to claim 5 where Applicants discuss differences between user billing and device billing.

Further, Applicants submit that to the extent that claims 55-56 depend from allowable claim 54, that such claims are allowable for at least the reasons that claim 54 is allowable. Applicants further submit that the dependent claims 55-57 are also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in claim 54.

#### Claims 57-59

Independent claim 57 is a new claim and recites, among other features,

detecting, at a wireless mobile device, the interaction between the wireless mobile device and application software wherein the application software was downloaded to the wireless mobile device over a wireless network; generating, at the wireless mobile device, and in response to detecting the interaction between the wireless mobile device and the application software, a debit, wherein the debit is used to generate an invoice for the wireless mobile device, and wherein the debit includes data identifying a contributing party and a software fee associated with the application software; and transmitting the debit to a billing server over the wireless network;

Applicants respectfully reassert the arguments made above regarding Jansen et al., Rieken et al and Ronen and further submit that, none of the references, either implicitly or explicitly, or whether considered alone, or in combination with any one or more of the other references, disclose, teach or suggest, claim 57's language. Specifically, Applicants direct the Examiner's attention to the arguments made with regard to claims 4 and 29 under section "*Jansen et al.'s Public Users ARE NOT Locations*" including the arguments that emphasize the difference between a device or location and a user. Applicants re-emphasize that Jansen's disclosed billing to a user credit card, where such user could be tracked and billed as such user used multiple

devices, is unlike Applicants' claimed subject matter where the invoice that is generated is for a wireless mobile device. Further, Applicants direct the Examiner's attention to Applicants' arguments above with respect to claim 5 where Applicants discuss differences between user billing and device billing.

Further, Applicants submit that to the extent that claims 58-59 depend from allowable claim 57, that such claims are allowable for at least the reasons that claim 57 is allowable. Applicants further submit that the dependent claims 58-59 are also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in claim 57.

#### Claims 60-63

Independent claim 60 is a new claim and recites, among other features,

receiving, at a billing server, a debit reflecting the interaction between a wireless mobile device and application software, the application software having been received at the wireless mobile device over a wireless network, wherein debit is used to generate an invoice for the wireless mobile device, and wherein the debit includes information capable of identifying a software contributing party and a debit amount; and generating, an invoice for the wireless mobile device based on the debit information;

Applicants respectfully reassert the arguments made above regarding Jansen et al., Rieken et al and Ronen and further submit that, none of the references, either implicitly or explicitly, or whether considered alone, or in combination with any one or more of the other references, disclose, teach or suggest, claim 60's language. Specifically, Applicants direct the Examiner's attention to the arguments made with regard to claims 4 and 29 under section "*Jansen et al.'s Public Users ARE NOT Locations*" including the arguments that emphasize the difference between a device or location and a user. Applicants re-emphasize that Jansen's disclosed billing to a user credit card, where such user could be tracked and billed as such user used multiple devices, is unlike Applicants' claimed subject matter where the invoice that is generated is for a wireless mobile device. Further, Applicants direct the Examiner's attention to Applicants'

arguments above with respect to claim 5 where Applicants discuss differences between user billing and device billing.

Further, Applicants submit that to the extent that claims 61-63 depend from allowable claim 60, that such claims are allowable for at least the reasons that claim 60 is allowable. Applicants further submit that the dependent claims 61-63 are also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in claim 60.

#### Claims 64-66

Independent claim 64 is a new claim and recites, among other features,

detecting, at a software supplier server, interaction between a wireless mobile device and the supplier server; generating, at the software supplier server, and in response to detecting the interaction between the wireless mobile device and the software supplier server, a debit, wherein debit is used to generate an invoice for the wireless mobile device, and wherein the debit includes a software fee associated with the interaction; and transmitting the debit to a billing server over the wireless network;

Applicants respectfully reassert the arguments made above regarding Jansen et al., Rieken et al and Ronen and further submit that, none of the references, either implicitly or explicitly, or whether considered alone, or in combination with any one or more of the other references, disclose, teach or suggest, claim 64's language. Specifically, Applicants direct the Examiner's attention to the arguments made with regard to claims 4 and 29 under section "*Jansen et al.'s Public Users ARE NOT Locations*" including the arguments that emphasize the difference between a device or location and a user. Applicants re-emphasize that Jansen's disclosed billing to a user credit card, where such user could be tracked and billed as such user used multiple devices, is unlike Applicants' claimed subject matter where the invoice that is generated is for a wireless mobile device. Further, Applicants direct the Examiner's attention to Applicants' arguments above with respect to claim 5 where Applicants discuss differences between user billing and device billing.

Further, Applicants submit that to the extent that claims 65-66 depend from allowable claim 64, that such claims are allowable for at least the reasons that claim 64 is allowable. Applicants further submit that the dependent claims 65-66 are also allowable in light of the



presence of novel and non-obvious elements contained therein that are not otherwise present in claim 64.

Claims 67-69

Independent claims 67-69 are new claims and Applicants submit that such claims are allowable for at least the respective reasons give with respect to claims 57, 60 and 64.

## CONCLUSION

In light of the arguments and amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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